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CHAPTER 307. EMPLOYMENT OF VETERANS

1. SCOPE

This chapter contains policies and procedures, outlines responsibilities, and provides information about appointing authorities and reports pertaining to the employment of veterans. This chapter applies to all full-time, part-time, and intermittent employees in both the competitive and excepted Federal service, including employees in the Veterans Health Administration (VHA) appointed under 38 U.S.C. ch. 74 and employees in the Veterans Canteen Service appointed under 38 U.S.C. ch. 78 (except where these employees are specifically exempted from coverage by law or regulation).

2. REFERENCES

- a. 38 U.S.C. chs. 31, 42, and 74.
- b. 5 U.S.C. ch. 31.
- c. 5 CFR, Parts 211, 213, 300, 302, 307, 315, 316, 330, and 332.
- d. VA Manual MP-5, part I, chapters 291, 300, 306, 308, 332, 335, and 338.
- e. VA Manual MP-6, part V, supplement No. 1.5.

3. COORDINATORS FOR VA EMPLOYMENT OF VETERANS

a. The Deputy Assistant Secretary for Equal Opportunity is designated as the Coordinator for VA Employment of Veterans. Program management responsibility is assigned to the Chief, Affirmative Action Division, Equal Opportunity Staff, who is responsible for developing and coordinating agency-wide policy and program efforts which foster affirmative VA employment on veterans. The Deputy Assistant Secretary for Human Resources Management (DAS for HRM) is responsible for developing and coordinating technical employment policies and related program instructions concerning career opportunities for veterans.

b. The Chief, HRM at each field station and the Team Leader, Headquarters and Executive Resources, Central Office, are designated as Coordinators for VA Employment of Veterans within their respective jurisdictions. They have primary staff responsibility for development and coordination of activities which facilitate employment of veterans.

4. DISABLED VETERAN AND VIETNAM ERA VETERAN EMPLOYMENT

a. Policy. Section 403 of Public Law 93-508, the Vietnam Era Veterans' Readjustment Assistance Act of 1974, added section 4214(a) to chapter 42 of title 38, United States Code, making it the policy of the United States ". . .to promote the maximum of employment and job advancement opportunities within the Federal Government for qualified disabled veterans and veterans of the Vietnam era." VA policy is to fully implement this provision agency-wide by aggressively recruiting and hiring these veterans and providing them, as VA employees, a full opportunity to grow, develop, and advance. Public Law 96-466, which was enacted October 17, 1980, added subsection (g) to 38 U.S.C. 4214, authorizing the Secretary to give preference to Vietnam era veterans and certain disabled veterans in hiring veterans benefits and psychological readjustment counselors, outreach personnel, veterans claims examiners, and veterans' representatives at educational institutions for the VA.

b. Key Elements of Ongoing Efforts. This section summarizes key techniques and program elements of the ongoing efforts by field stations to employ and advance disabled veterans and Vietnam era veterans. All stations should give attention to these results-oriented approaches:

- (1) Demonstrated support from each station's top management.
- (2) Productive recruitment outreach activities, including liaison with VA Counseling Psychologists and/or Vocational Rehabilitation Counselors, State employment service offices, State rehabilitation agencies, OPM area offices, veterans organization representatives, etc.
- (3) Effective use of available special appointing and training authorities.
- (4) Full implementation of the field station affirmative action program plans for employment of disabled veterans and handicapped individuals.
- (5) Assurance that these veterans have full access along with other employees to promotion, training, and advancement opportunities.
- (6) Periodic evaluation of station progress. A report which should provide some basis for these internal reviews is the quarterly statistical Disabled Veteran and Vietnam Era Veteran Employment Report (computer-generated COIN PAI 204 Report).

5. SPECIAL APPOINTING AND TRAINING AUTHORITIES

a. General. Authorities specifically covering appointment and training of veterans are referred to below. Numerous other hiring or training authorities, while not specifically aimed at the veteran population, also often prove useful for those veterans who meet the applicable eligibility requirements. Examples include the various authorities for appointing handicapped

person (see 5 CFR 213 and MP-5, pt. I, ch. 306), the 700-hour temporary appointment authority (see 5 CFR 316), and such programs as Cooperative Education (see 5 CFR and MP-5, pt. I, chs. 308) and Alcohol and Drug Abuse Counseling. See also 5 CFR, part 330, subpart D for information on positions restricted to preference eligibles (custodian, guard, messenger, and elevator operator). In addition, section 510 of Public Law 96-466, 38 U.S.C. 4214(g), authorizes the Secretary to accord preference for employment in the VA of Vietnam era veterans and certain disabled veterans as veterans benefits and psychological readjustment counselors, veterans claims examiners, outreach personnel, and veterans' representatives at educational institutions.

b. VRA (Veterans Readjustment Appointment). Pursuant to Executive Order 11521, and now codified under law in 38 U.S.C. 4214, Vietnam era veterans may be given excepted VRA appointments under 5 C.F.R. 307.103 to positions otherwise in the competitive service at GS-11 or below (or the equivalent in another pay system). In the VA, a VRA appointee must serve a 1-year trial period, and termination during this year is handled as provided in MP-5, part I, chapter 302. Merit promotion provisions cover VRA employees (See MP-5, pt. I, ch. 335), and they may be promoted above GS-11 level if other requirements are met. Other appointment and conversion requirements are in 5 CFR 307.

c. Temporary Appointment of VRA Eligibles. A Vietnam era veteran who has VRA eligibility may be given a noncompetitive temporary appointment of up to 1 year under 5 C.F.R. 316.402(b)(4) or a term appointment under 5 C.F.R. 316.302 not to exceed 4 years to any position in the competitive service at or below GS-11 or equivalent for which he or she is qualified. Appointment under these authorities does not give the privilege of conversion to competitive status. (See 5 CFR 307 and 316.)

d. Noncompetitive Appointment of 30 Percent Compensably Disabled Veterans. Under 5 C.F.R. 315.707, a disabled veteran with a compensable service-connected disability of 30 percent or more who is serving under a temporary appointment not limited to 60 days or less may be converted noncompetitively to a career-conditional appointment (or career, if otherwise eligible), provided the veteran meets the applicable qualification requirements. Special authority under 5 C.F.R. 316.402(b)(5) was added to allow temporary appointments of up to 1 year for these 30 percent disabled veterans. However, conversions may also be made from any temporary appointment with a not-to-exceed time span of 61 days or more, regardless of whether it is in either the competitive or excepted service. Conversions may occur after 1 day's service on such a temporary appointment.

e. Unpaid Training/Work Experience for Service Disabled Veterans. VA policy is to promote maximum use of authority granted by title 38, United States Code, chapter 31, section 3111, to provide unpaid training for certain service disabled veterans and by 5 C.F.R. 315.604 to noncompetitively appoint such veterans to continuing positions. Station heads will assess areas

appropriate for chapter 31 training and advise the counseling and rehabilitation staffs of servicing VA regional offices of these opportunities so that trainees may be referred.

(1) Utilization and Training. There are two plans under which Federal agencies may provide on-the-job training for disabled veterans under chapter 31 authority--Plan 1 and 2--as explained in 5 CFR part 315 subpart F. Chapter 31 nonpay (Plan 2) trainees will not replace or be used in lieu of regular employees for whom funds and ceiling have been provided. This training is to be provided on a host-enrollee basis for which an agreement, VA Form 22-1904, Agreement To Train on-the-job Disabled Veterans, is required. WOC (without compensation) appointments are inappropriate.

(2) Noncompetitive Appointments. Special emphasis will be directed toward full utilization of 5 C.F.R. 315.604 noncompetitive appointment authority as an effective means of enhancing employment opportunities for disabled veterans who complete training. Under 5 C.F.R. 315.604, a special tenure appointment is given after successful completion of training followed by noncompetitive conversion to career-conditional appointment (or career, if appropriate). Every effort will be made to place chapter 31 nonpay (Pay 2) trainees who successfully complete training. This should include close coordination with Veterans Benefits Administration (VBA) counseling and rehabilitation staffs, referral for employment consideration to other VA stations, and referral to other Federal agencies if employment opportunities are not available within the VA.

(3) Qualification Requirements

(a) Under Plan 2, when noncompetitive appointment to a position or class of positions is the goal of the training, the initial training plan will be reviewed in Central Office (051) prior to approval by the field facility Director. Field stations will forward a copy of the locally approved training plan to their servicing OPM regional office. A master agreement has been negotiated with OPM which delegates to VA the authority to develop and implement training plans that result in successful training being used as a substitute for normal qualifications, including time-in-grade requirements.

(b) Under certain circumstances, VBA counseling and rehabilitation staff may determine that training is necessary for disabled veterans who technically meet requirements of the qualification standard. Such cases should be processed in the same manner as others with a detailed justification of the training submitted for review with the training plan. Detailed justification should be developed by the rehabilitation staff.

(c) For positions subject to OPM qualification standards, 1 month of intensive, carefully planned training may be considered the equivalent of 2 months of experience when it has been determined that the training halves the time usually required to qualify for the position. Requests for such modification of OPM qualification standards should be submitted through channels to

the DAS for HRM (051) for approval. Similarly, for positions subject to VA qualification standards, this determination may be made by VA officials authorized to modify VA qualification standards; local approval of modifications permitting experience credit for positions grade five and below should be documented in writing and a copy of the approved modification forwarded to Central Office (see ch. 338, par. 10C, this part).

(d) Requests for modification of OPM and VA qualification standards which must be approved in VA Central Office should be accompanied by a copy of the training plan, VA Form 22-1905a, Training Program and Progress Record, SF 171 or OF-612, Personal Qualifications Statement, and a copy of the VA counseling and rehabilitation approval, VA Form 28-8871, Certification of Eligibility and Feasibility.

(4) Conversion To Career or Career-Conditional Appointment. Conversions to career or career-conditional appointment should be initiated within the first 6 months of the special tenure appointment. Otherwise, 36 months in a special tenure status are normally required before conversions can be effected.

(5) Probationary Period. A probationary period is not required.

f. Congressional Medal of Honor-Recipient Appointments. Executive Order 9268 provides that upon recommendation of the Secretary of Veterans Affairs to the Director, Office of Personnel Management, veterans who have been awarded the Congressional Medal of Honor may be appointed as Contact Representatives in the VA. Advice on individual cases should be obtained from the Customer Advisory and Consulting Group (051).

6. EMPLOYMENT OF VETERANS WITH MEDICAL MILITARY OCCUPATION SPECIALTIES

a. Statutory Basis. Section 201 of the Veterans Health Care Expansion Act of 1973 (Public Law 93-82) amended section 7302 (c) of title 38, United States Code, which now requires VA to "...carry out a major program for the recruitment, training, and employment of veterans with medical military occupation specialties as physician assistants, expanded-function dental auxiliaries, and other medical technicians (including advising all such qualified veterans and members of the armed forces about to be discharged or released from active duty of such employment opportunities..." The phrase "other medical technicians" includes all the positions associated with the direct health care of patients, as well as research and other medical related professional, technical, and assistant or aid type career fields.

b. Employment Information. The VA Recruitment Bulletin is published monthly and lists vacant positions for which VA facilities need recruitment assistance beyond their local labor market. It is sent on a regular basis to Military Education (Discharge) Centers throughout the

country. Other recruiting materials for specific occupations are sent to these centers as part of the initial distribution process, and are also available upon request.

c. Field Station Actions

(1) VA HRM offices, veterans assistance offices, and U.S. Veterans Assistance Centers will use the VA Recruitment Bulletin with veterans having medical military occupation specialties. Veterans who request information as a result of computer generated letters (FL 20-680) will be provided the bulletin along with other appropriate recruitment literature.

(2) When outside recruitment is appropriate, the recruitment process will include notification of the vacancy, with a summary of the qualifications needed, to be furnished to the appropriate U.S. Veterans Assistance Center, Federal Job Information Center, MEDIHC Coordinator, and State Employment Service. Positive efforts will be made to employ applicants referred by these offices.

(3) VA Chiefs of HRM offices will review the monthly Specialty Discharge Listing furnished by the VA Data Processing Center, Austin, Texas. Those veterans identified as possible applicants for present and anticipated vacancies will be contacted promptly to explore their interests in VA employment.

(4) Chiefs, HRM at VHA facilities will maintain liaison with appropriate offices of military installations to the extent feasible in meeting the objectives of the law.

d. Reports. Periodic reports are generated through the PAID system to provide information to Central Office officials on agency progress in employing veterans with medical military occupation specialties. To identify employees for reporting purposes through the PAID system, the Special Identifier Code "A" must be entered in item 29B on VA Form 5-4652, Request for Personnel Action, as indicated in paragraph 400.02 or MP-6, part V, supplement No. 1.5.